

CITY COUNCIL MEETING

**May 13, 2003
7:00 P.M.**

DRAFT MINUTES

City of



The City of Bonney Lake's Mission is to protect the community's livable identity and scenic beauty through responsible growth planning and by providing accountable, accessible and efficient local government services.

"Where Dreams Can Soar"

I. CALL TO ORDER

A. Flag Salute

B. Roll Call [A1.3]

Mayor Bob Young and Deputy Mayor Dan Swatman; Councilmembers Stephen Bricker, Phil DeLeo, Neil Johnson, Dave King, Cheryle Noble and Jim Rackley.

Staff Present: Administrative Services Coordinator Tom Reber, Finance Director John Weidenfeller, Public Works Director Seth Boettcher, Planning & Community Development Director Bob Leedy, Judge Jim Helbling, Police Chief Bryan Jeter, City Attorney Jim Dionne, and Pro Tem City Clerk Harwood Edvalson.

C. Announcements and Appointments and Presentations [A3.6.9]

1. Announcements:

a. **Proclamation** – Neurofibromatosis Month.

Mayor Young read the NF Proclamation naming the month of May 2003 as Neurofibromatosis Month. It was accepted on behalf of the Washington State Chapter of the National Neurofibromatosis Foundation by Jessica Tonge of Algona and Chelsea Noble of Bonney Lake, both of whom have NF.

b. **Proclamation** – Welcome Home the Troops.

Mayor Young read this proclamation honoring the veterans and service men and women of Bonney Lake.

2. Appointments: - Mark Hamilton – Civil Service Commission.

Mayor Young announced that he had appointed Mark Hamilton to another six year term on the Civil Service Commission.

3. Presentations:

Planning Commission Chairman Steve Burnham introduced proposed Ordinances 988 and 989.

- a. **AB03-133 – Ordinance 988** – An Ordinance Of The City Of Bonney Lake, Washington, Amending Title 14 Through 19 Of The Bonney Lake Municipal Code, Clarifying And Streamlining Permit Processes, Eliminating Conflicts And Duplications, And Integrating Titles 14 Through 19 As A Unified Development Code.

Chairman Burnham said the work on Ordinance 988, the Unified Development Code, was the result of Council's request to straighten out some confusion in the Municipal Code, consolidate permit processes, streamline the Code and integrate reform. He added that the Planning Commission held a public hearing and now recommended the Ordinances for Council consideration.

Deputy Mayor Swatman asked about front set-backs with respect to corner lots. Councilmember King asked if proposed Ordinance 989 was incorporated into Ordinance 988. Chairman Burnham said that it was and may necessitate adoption of Ordinance 989 before 988. The Council in general expressed appreciation for the detailed work done by the Planning Commission and staff.

- b. **AB03-134 – Ordinance 989** – An Ordinance Of The City Of Bonney Lake, Washington, Amending Title 18 Of The Bonney Lake Municipal Code And Ordinance Nos. 740, 746, 747 And 747A, Clarifying And Amending The Regulations Governing Accessory Dwelling Units (ADUs).

Chairman Burnham said that the Commission considered two recommendations from staff. One was that ADUs be permitted in the R-1 Zone by Conditional Use. The other was to require the primary residence to be owner-occupied before renting or leasing the associated ADU. Chairman Burnham said that the Commission did not feel the second issue was appropriate for Bonney Lake.

Deputy Mayor Swatman asked about the requirement for separate entrance in the ADU, and the requirement for a conditional use permit in an R-1 zone. Chairman Burnham responded that any cost associated with a separate entry would be offset by the ability to add an ADU without separate water meter, sewer hookup, etc. He added that the requirement for a conditional use permit allowed neighbors to comment on the increased density and intensity of use that occurs with an ADU.

Councilmember King asked if the same requirement was to be extended to R1-A zoning. Chairman Burnham and Planning and Community Development Director Leedy said the Commission had considered the question, but they could not remember any specific direction. They said it make sense that it would apply to the R1-A zone the same as for the R-1 Zone.

Councilmember Bricker asked that the language of the ordinance be clarified that at least one development charge is applied to a property being developed with an ADU on it. Deputy Mayor Swatman asked if design requirements would apply to a primary residence being constructed after an ADU. Chairman Burnham said the Commission did not discuss the issue, but that again, it made sense. Councilmember Rackley asked if the same setbacks would apply to an ADU as a primary residence. Mayor Young indicated that the proposed ordinances would be forwarded to the next workshop for further Council consideration.

D. Agenda Modifications [A3.6.6] – None.

II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE:

[A3.6.11, A3.6.12, A3.6.4, 3.6.5]

A. Public Hearings – None.

B. Citizen Comments [A3.6.4]

Steve Boerstler, 9301 185th Ave. PL E., referenced past communication with the planning department and attempts to require the developer of Angeline Heights PUD to complete the required landscaping in the 20 ft. buffer strip. He said he has been pursuing the issue since 1998 and has not been successful in getting the City to call the landscape bond or take action against the developer.

Deputy Mayor Swatman asked if the item could be placed on the next workshop agenda. He said he would be in favor, if necessary, for the City to upfront payment to do the work and then pursue collection of the bond. Mr. Boerstler said he could not be in attendance until after 6:00 p.m. Deputy Mayor Swatman said he hoped the item could be scheduled for the end of the agenda at the workshop. Councilmember Noble thanked Mr. Boerstler for his participation and encouraged his patience a little longer while the Council discussed a solution.

Justin Lindsay, 9303 185th PL E., said that he had just moved in last September, but can't pursue the completion of his landscaping until this issue is resolved. He said he felt that his responses from City staff on the issue had been conciliatory and meant to delay resolution.

Louisa Smith, 20112 Church Lake Rd. E. congratulated the City on the Skate Park Opening. She was pleased that the kids now have a place to skateboard. She said the City should be proud of the facility.

Richard Breedlove, 9202 184th Ave. E. said that there was a long history of efforts to get the developer of the Angeline Heights PUD to complete the landscaping. He said the City had assured him the 20 ft. buffer strip would be taken care of. He added that the work had been delayed so long that now some of the residents didn't want the work completed, that they had already installed landscaping to their liking.

Richard Davidson, Chamber of Commerce President - 18512 Old Sumner-Buckley Highway, asked to be notified of meetings of the Bonney Lake Days Committee. He said the Chamber of Commerce would like to participate in and support the event. He also said he would like to initiate a formal dialogue to discuss renting space at the City's Ludwig Building for the Chamber of Commerce.

Dan Decker, 20401 70th St. E., stated that he had asked for information using the City of Bonney Lake forms over the past few weeks. He noted that the City Clerk had not failed to respond in a timely manner to his requests. He said there were, however, many format requirements not being met as provided in RCW 40 & 42 and Attorney General Opinions dealing with public disclosure. He expects that the City's actions will conform to the letter in the future.

Mr. Decker asked by what authority the "petition of no confidence dated 1/13/03" was destroyed. He said the City Attorney's letter stating that the document was of no legal consequence was incorrect, that it was a public record.

Mr. Decker said he'd heard that the city had 12 failures to comply with the law in handling asbestos and that 6 citations may be coming to the City. He concluded by saying that he was currently circulating a petition. He also suggested city employees consult an employment law manual.

C. Correspondence – None.

Councilmember King advised the Council, staff and public that he had changed his email address. He said it now is dcspring@comcast.net. He requested that the City's IT professional make the changes on the website.

III. COUNCIL COMMITTEE REPORTS:

(A3.6.4)

A. Finance Committee

Deputy Mayor Swatman reported that the Committee had reviewed Ordinances 990 and 982 tabling them to the next Committee meeting. He said that Resolution 1100 for the Stone Soup Grant was referred on to the next Council meeting. He advised the Council to be alert to the fact that the County was diminishing the amount of the grant each year. He suggested that the resolution dealing with Pierce County Housing and Ordinance 991

be discussed at the next workshop. He concluded by saying that Ordinances 993 and Resolution 1102 were referred to the next Council meeting also.

B. Community Development Committee

Councilmember Rackley said the Committee only had discussion items at their last meeting.

C. Public Safety Committee

Councilmember Bricker said that the May 5th Committee meeting had broken records for the largest attendance and the longest duration of any of their meetings. He said they discussed the proposed off-road vehicle ordinance and possible solutions with the noise ordinance. He said the Humane Society Contract was on the agenda for action this evening. Councilmember King said the Committee was working on the junk vehicle ordinance and would be coming forward soon with recommendations.

D. Other Reports

Councilmember DeLeo reported his participation at the WSU 4H Demonstration Meeting. He said they had solicited proposed uses for the forest and potential partnerships. He distributed a list of potential projects generated at the meeting. One of the proposals was a BMX track, perhaps tied to a green course where the youth would attend a ½ hour class to learn about forest conservation. He conveyed an invitation made to Council and staff to participate in the ropes course offered by WSU. Mayor Young proposed coming back to Council workshop with a couple of potential dates.

IV. MINUTES (A3.6.2):

- A. Approval of Corrected Council Meeting and Workshop Minutes – April 15, 2003 Workshop; April 15, 2003 Special Meeting; April 22, 2003 Council Meeting.

**Councilmember Rackley moved to consider and approve the minutes with one motion.
Councilmember Bricker made the second.**

Motion approved 7 – 0.

V. VOUCHERS AND PAYROLL:

(F4.9)

A. Vouchers

1. Claims:

(Pro Tem City Clerk Edvalson noted that the information had been amended from that provided in the agenda.) Approve the accounts payable checks #034120 thru 034308 (voiding check #034250) in the amount of \$712,726.55.

2. Payroll:
Payroll for April 1-15, 2003 for checks 20855-20908 including Direct Deposits and Electronic Transfers in the amount of: \$198,867.89.

Councilmember Rackley moved the approval of claims and payroll as presented. Deputy Mayor Swatman seconded the motion.

Motion approved 7 – 0.

VI. FINANCE COMMITTEE ISSUES – None.

VII. COMMUNITY DEVELOPMENT COMMITTEE ISSUES – None.

VIII. PUBLIC SAFETY COMMITTEE ISSUES – None.

- A. AB03-130 – Resolution 1000 – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington Authorizing An Agreement With Tacoma/Pierce County Humane Society For The Period Of January 1, 2002 – December 31, 2003. (Animal Control Services.)

Councilmember Bricker moved to approve Resolution 1000. Councilmember King seconded the motion.

Councilmember Bricker said the ordinance was really a housekeeping measure to correct an oversight for not having adopted a contract last year. He said Phil Olsen would be providing information on the revenues generated by licensing. He concluded by saying the Public Safety Committee would be looking at alternative contractors.

Motion approve 7 – 0.

IX. FULL COUNCIL ISSUES – None.

X. EXECUTIVE SESSION:

Following a five minute recess to take group and individual pictures, Mayor Young announced that pursuant to RCW 42.30.110 (1)(c) the City Council would hold an executive session to discuss property acquisition. He estimated the duration at 25 minutes.

XI. ADJOURNMENT

At 9:00 p.m., the Council reconvened the regular session. **Councilmember Rackley moved to adjourn. Councilmember Johnson seconded the motion.**

Motion approved 7 – 0.

Robert Young, Mayor

Harwood T. Edvalson, Pro Tem City Clerk